

III. MANAGEMENT PLAN REQUIREMENTS

A. Standard Operating Requirements

This chapter reviews the standard requirements for compliance with the CRMP. Chapter IV will present actual examples of how the Section 106 procedures will be applied at SFAAP. The standard operating requirements for cultural resources management at SFAAP will vary according to the activity involved and the present cultural resources data base available for the area of concern. Requirements presented here will apply to the following situations:

- programmatic undertakings exempted from further consultation with the SHPO/ACHP as per the Inactivation PA;
- Section 106 compliance for undertakings not covered by this CRMP or PAs;
- Section 106 compliance for the alteration of land use;
- Section 106 and Section 110 compliance for the excessing of lands in the event that the Army disposes of portions of the SFAAP facility acreage; and
- Section III compliance for the lease or exchange of Federal historic properties.

1. Undertakings Exempted from Further Consultation with the SHPO/ACHP

As per the PA to inactivate SFAAP (see Appendix I, Attachment 3), certain routine activities at the installation are exempted from further consultation with the SHPO/ACHP. Activities exempted from further coordination, per the Inactivation PA, are as follows:

- Routine maintenance work on existing features such as roads, fire lanes, mowed areas, disposal areas, and ditches (not, however, significant widening of such features).
- Ordnance disposal.
- Agricultural and grazing leases (excluding clearing and construction activities related to these leases that might result in disturbance to the ground surface).
- Timber management and harvesting in areas previously surveyed for historic properties, or exempted from archeological inventory requirements in consultation with the SHPO, when IOC avoids identified properties and those resources of undetermined NRHP status; places skid trails and loading and logistical staging areas at least 50 feet from historic property or resource of undetermined status; and ensures the removal of downed trees using rubber-tired vehicles when the soil is either dry or frozen, and firm.
- Hunting and fishing actions.
- Use of land for training exercises when such training involves no off-road vehicle use or ground disturbance and when camping occurs in designated areas selected in consultation with SHPO.
- Recreational camping in designated areas selected in consultation with the SHPO.
- Outgrants and contracting actions when the proposed use involves no active or potential construction, alteration, destruction, use of buildings or structures, relocation of buildings or structures, or disturbance of the ground surface.
- Routine facilities maintenance activities that do not alter the building facades or interiors. Alteration does not include repair of deteriorated materials or missing elements when they are replaced in kind or with material that duplicate the original material as nearly as possible. These activities may apply to the Roberts house (Building No. FH-3).

Other actions that will not require consultation with the SHPO, pending programmatic implementation of this CRMP, and that are not included in the inactivation program will include:

- Activities occurring entirely within heavily contaminated areas (see Figure II-1) will not be subject to archeological survey if a separate agreement can be reached. Hazardous waste remediation may vary in its impact on a given locality. Heavily contaminated areas will not be subject to archeological survey because of a need to avoid undue danger or injury to survey personnel through contact with unexploded ordnance or other hazard. Rather, the Army will ensure that personnel conducting Remedial Investigation/Feasibility Study of environmental hazards are familiar with those areas identified as archeologically sensitive and with the need to exercise care when working in those areas, with professional archeological advice available in the event of an archeological discovery. If contaminated areas can not be avoided during survey, then OSHA standards will be followed for survey personnel involved in inventory and/or assessment.
- Activities that do not require construction of new facilities, or disturbance of previously undisturbed surfaces, or any tillage of previously unplowed ground do not require SHPO consultation. However, those undertakings involving earth-disturbing activities of previously undisturbed surfaces shall be subject to further coordination with the SHPO pursuant to 36 CFR 800.
- Acquisition of lands.

2. Present Activities Not Exempted from the Section 106 Review Process

In the event that land usage will change, e.g., from untilled pasture or grazing land to tilled crop land, this activity may pose an adverse effect to historic properties and will require archeological inventory as per Section 106 prior to initiating the action. (Where land use remains constant for grazing lands and hay production, however, archeological survey is not required.)

Where timber harvesting occurs on undisturbed ground in areas that have not been previously surveyed and have not been exempted from inventory under consultation with the SHPO, those lands scheduled for timber harvesting will require a Section 106 review. (When timber harvesting occurs in areas that have been previously surveyed, previously disturbed or contaminated, or when restrictions are in place to permit logging only in frozen or dry ground conditions and to prevent recontouring of the ground, the activity may proceed, with the condition that all NRHP-eligible sites and sites of unknown eligibility will be avoided.)

There is a possibility that some facility lands may be excessed to a nonfederal institution, or to another Federal agency or the State. Transfer of lands to private parties would require Section 106 review. (In the event that the transfer is to another Federal agency, transfer of cultural resources management responsibilities would extend to the receiving agency and the action will not require 106 review. Lands transferred to a State agency are recommended to be exempted from 106 review as well, as the property will then be under the purview of the SHPO.)

3. Section 106 Compliance

The Section 106 review process is essential for the adequate protection of the historic properties. Although the available cultural resources data base and the potential impacts within each project area will vary, the basic steps of the Section 106 review process are standard once a project has been determined to be an undertaking and the APE has been established. The basic steps are as follows:

- Identify/Evaluate Historic Properties,
- Assess Effects,
- Consultation,
- ACHP Comment, if there is an adverse effect or difference of opinion between SFAAP and the SHPO, and
- Proceed.

As noted in Figure III-1, not all of these steps are necessary under certain circumstances. The basic steps follow the format of the ACHP's (1986) publication, *Section 106, Step-by-Step*, with one exception. When the SHPO and SFAAP agree there is no adverse effect resulting from an undertaking, then there will be no requirement to provide documentation to the ACHP or to seek ACHP comment.

4. Section 110 Compliance

Section 110 concerns the Federal agency's responsibilities under the NHPA and primarily addresses the identifications, and if appropriate, NRHP or National Historic Landmark (NHL) nominations, of federally owned or controlled properties; and the management of such properties, including issues of demolition and excess transfer also considered undertakings under Section 106.

5. Section 111 Compliance

Section 111 addresses leasing and exchange of federally owned properties. Leasing is also an undertaking under Section 106. AR 420-40 also addresses federally owned properties, as well, describing two potential effects. The first concerns demolition, ruination, or transfer/sale to private ownership. The second involves lease or use—in which case, Section 106 applies via Section 111.

B. Types of Treatment

Some cultural resources are real property such as structures, archeological sites, and culturally significant landscapes and are eligible for inclusion in the NRHP. The primary standard for treatment is a resource's eligibility for nomination to the NRHP. Standards pertaining to the treatment of historic properties located on SFAAP are taken from:

- the proposed guidelines of the Department of the Interior, National Park Service, entitled *Recovery of Scientific, Prehistoric, Historic, and Archeological Data: Methods, Standards, and Reporting Requirements* (1977; 36 CFR Part 66);
- the Secretary's *Standards and Guidelines for Archeology and Historic Preservation* [48 FR 44716-44740]; and
- the Secretary's *Standards for Historic Preservation Projects* [36 CFR Part 68].

These guidelines were developed in order to standardize treatments of historic properties within and among Federal lands and installations. DA regulations state that the significance of all historic properties, including cultural landscapes and lifeways, must be weighed against other public considerations and the military mission. The following treatment plan for significant cultural resources (i.e., historic properties) is presented according to the Inactivation PA.

1. Architectural Programmatic Treatment Plan

The Inactivation PA (Appendix I), stipulates that the AMC will cease production in order to inactivate certain ammunition plants. As defined in the PA, an inactive plant is one at which there is no workload and is used only by caretaking detachments, while being retained and maintained on a non-use status to support mobilization requirements or to await transfer to another Federal agency or other disposal. As a result of

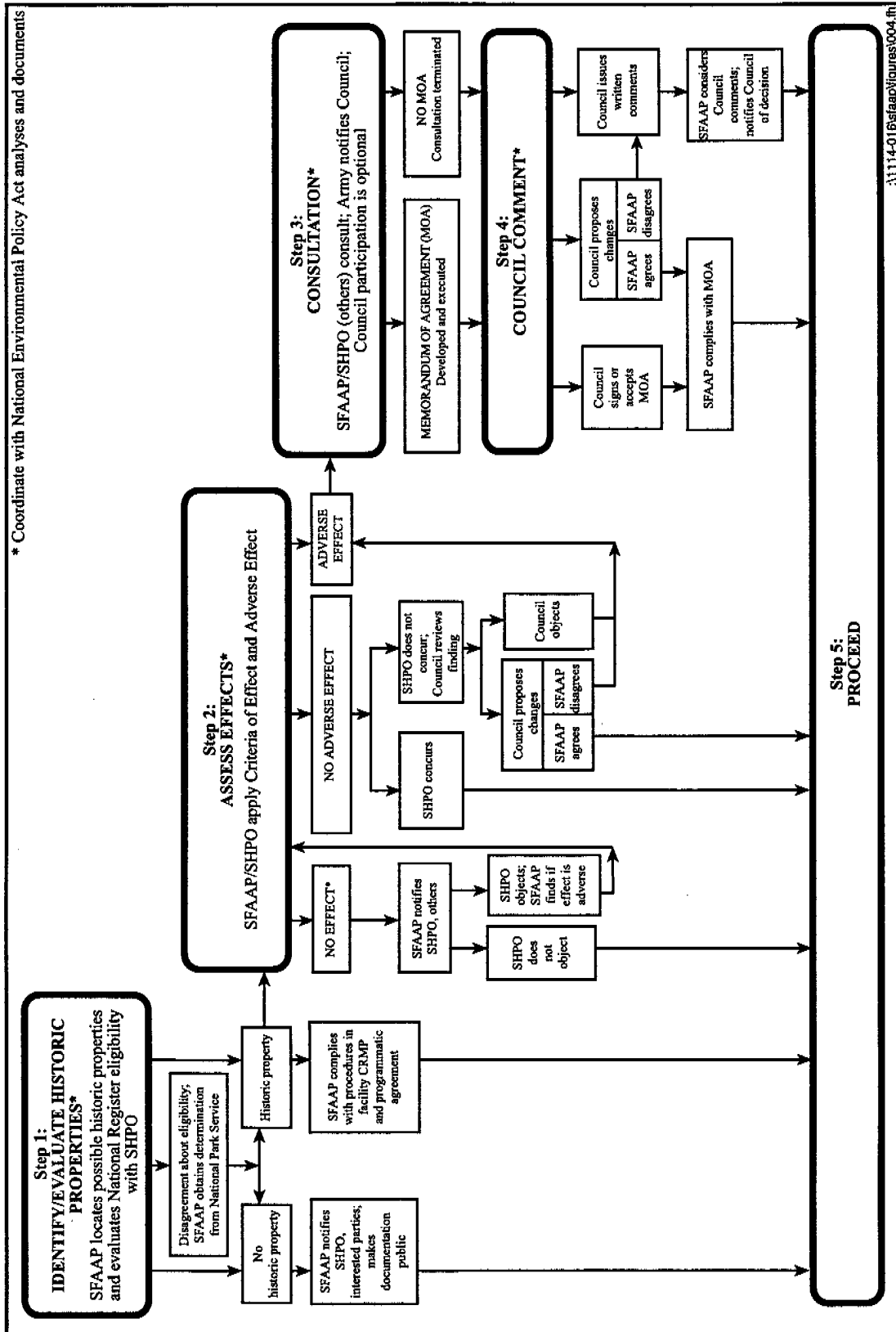


Figure III-1. Basic steps of the 106 process under the Sunflower Army Ammunition Plant (SFAAP) CRMP.

undertaking this action, the Army may change maintenance levels for buildings and structures. The APE of this action includes the entire facility. The plan to change maintenance levels on architectural resources will have an adverse effect on those resources.

a. Mitigated Architectural Historic Properties

The Army considers SFAAP to be historically important due to its association with the events of World War II but has determined that existing information is adequate to identify significant World War II buildings and structures. The Army will not conduct additional architectural survey for that purpose since a previous architectural inventory (MacDonald and Mack Partnership 1984) summarizes the available data. Therefore, the Army considers buildings or structures associated with World War II to be historically important. Conversely, SFAAP buildings, structures, and/or objects dating to the Cold War are not considered significant because they do not meet Criteria Consideration G for exceptional significance that is applied to resources less than 50 years in age; thus these Cold War facilities are ineligible for NRHP inclusion. To mitigate the effect on the World War II-era facilities, the Kansas SHPO has reached a concurrence determination with SFAAP that the current documentation is sufficient to mitigate all adverse effects from the inactivation process (see Appendix I). Based on SHPO concurrence and the present documentation, the military-related architectural historic properties on SFAAP have been mitigated and require no further management consideration. Documentation to mitigate the adverse effect on World War II-related architectural properties consists of a national thematic context of World War II mobilization and operation of what was then the Ordnance Department's new facilities program. The national context is presented in Kane's (1995) *Historic Context for the World War II Ordnance Department's Government-Owned Contractor-Operated (GOCO) Industrial Facilities, 1939-1945*.

b. Protected and Maintained Architectural Historic Property

The mitigative aspects of the inactivation undertaking exclude the eligible preinstallation residence of Dr. Sam Roberts (Building No. FH-3), which will be protected and managed. *The Secretary of the Interior's Standards for the Treatment of Historic Properties* [36 CFR 67], originally published in 1977 and revised in 1990 and 1992 as part of Department of the Interior regulations, set forth detailed treatments for architectural historic properties. The *Standards* pertain to historic buildings of all materials, construction types, sizes, and occupancy, and encompass the exterior and the interior of historic buildings (Table III-1). The *Standards* also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.. The following definitions apply to the management plan, which is a critical element of the overall CRMP:

- *Rehabilitation*: the act or process of returning a property to a state of utility through repair or alteration that makes possible efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.
- *Restoration*: the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by replacement of missing earlier work.
- *Preservation*: the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure and its site features. It may include initial stabilization as well as ongoing maintenance of the historic building materials.
- *Maintenance*: the act or process of preventing deterioration through regular cleaning, servicing, replacement of worn or deteriorated materials, and minor repair while not altering the building's essential character and form.
- *Repair*: the act or process of fixing a building element that is broken or deteriorated while retaining the essential character and form of the building.

Table III-1 (cont'd)

3. Each property shall be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period shall be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods shall be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period shall be preserved.
6. Deteriorated features from the restoration period shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period shall be substantiated by documentary and physical evidence. A false sense of history shall not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
9. Archeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
10. Designs that were never executed historically shall not be constructed.

Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Standards for Reconstruction

1. Reconstruction shall be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location shall be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures shall be undertaken.
3. Reconstruction shall include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction shall be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property shall re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction shall be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically shall not be constructed.

An appropriate level and kind of mitigation is required to offset the effect before an alteration/addition to or demolition of the building is allowed. The appropriate level of documentation should be determined through consultation with the SHPO and the NPS. Negotiated mitigation for a determination of adverse effect is governed by an MOA and typically focuses on an appropriate level of HABS/HAER or similar type documentation. HABS/HAER documentation provides a detailed record of a property and usually consists of photographs, measured drawings, and written data that reflect the property's significance. HABS/HAER standards for architectural historic properties are set forth in the Secretary's *Standards for Historic Documentation* [48 FR 44728-44730] and involve various levels of documentation.

Guidance documents for HABS/HAER documentation include *Photographic Specifications*, *Guidelines for Preparing Written Historical and Descriptive Data*, and *Transmitting Documentation to HABS/HAER*. These documents are updated regularly and are often tailored by regional NPS offices independent of one another. An excellent reference manual for HABS/HAER documentation and its oversight is *Recording Historic Structures*, published in 1989 by the American Institute of Architects. General HABS/HAER directives are also summarized within 48 FR 44716-44740, subsection 44730-44734, Secretary's *Standards and Guidelines for Architectural and Engineering Documentation*.

Modifications are considered substantive if they change character-defining features or qualities of a historic property. Alternatives to HABS/HAER documentation may include a redesign of or additions to planned alterations to achieve determinations of no effect or no adverse effect for construction projects.

HABS/HAER documentation may sometimes also be negotiated at lesser levels of recording in conjunction with limited project redesign to support determinations of no adverse effect.

The adverse effect from demolition of an NRHP-eligible building is mitigated through HABS/HAER documentation. Demolition typically will necessitate full-scale HABS/HAER documentation negotiated with appropriate NPS staff.

2. Archeological Treatment Plan

The inactivation undertaking will not affect archeological cultural resources. The Army will not change land management activities nor staffing as per the Inactivation PA (Appendix I). Therefore, archeological resources are to be protected and managed.

a. Procedures for the Treatment of Recorded and Predicted Properties

A full cultural resources survey of the SFAAP area has not been completed.

- Out of a total 9,542 acres, 3,303 acres have been excluded from intensive survey because of ground surface disturbance (see Figure II-1).
- Approximately 600 acres have been surveyed for cultural resources (see Figure I-3).
- 5,639 acres remain to be intensively surveyed.
- Seven archeological sites have been recorded but not evaluated for their NRHP eligibility.
- Approximately 92 potential historic-period sites within SFAAP—identified through archival sources and of unknown eligibility—consisting of farmsteads, schools, churches, village sites, and Indian land claims remain to be field verified and evaluated (see Figure I-4).

Although complete evaluation of the sites of unknown eligibility is dependent upon future testing and documentation, treatment options may be recommended at this time:

- sites of unknown eligibility must be treated as potentially eligible;
- impacts to any cultural resource judged to be either eligible for inclusion in the NRHP or requiring further evaluation prior to a final determination of eligibility should be avoided; and
- NRHP-ineligible resources have been judged to contain little or no significant data and thus are not of archeological or historical importance; therefore, avoidance of ineligible properties is not necessary.

b. Archeological Treatment Alternatives

The DA regulations state that the significance of all archeological properties, both prehistoric and historic, must be weighed against other public considerations and the military mission. Once the significance has been determined, the treatment options are either:

- protection—to apply measures designed to prevent any further physical damage to, or loss of, historic properties, and to save the property for future research or restoration; or
- mitigation—taking a remedial action to document fully the property in such a way that little or no information is lost if protection or avoidance is not possible.

Four treatment measures for archeological historic properties are defined in AR 420-40.

- **Avoidance**—In most cases, projects proposed in areas containing an archeological historic property (NRHP-listed or NRHP-eligible/potentially eligible) can be adjusted to avoid impact to that resource. This is especially true, for example, of wetland restoration/creation, forest management, wildlife habitat improvements, and agricultural activities. Projects such as construction of installation facilities, roads, placement of utility line right-of-ways, new tree plantation development, soil erosion control, landscaping, and borrow pit excavation usually can be designed to avoid areas of archeological historic properties when these areas are defined before or during the initial project design stage.
- **Physical Protection**—If it is necessary to disturb or construct in an area containing archeological historic properties, it is usually possible to protect those resources from inadvertent impact by temporarily fencing, berming, burial, or marking off the area with fluorescent flagging tape and notifying military commanders, security personnel, and contractors of the presence of these resources. These methods, in conjunction with verbal instructions to those involved in the disturbance of the area, are usually sufficient to protect the archeological historic properties from impact and inadvertent vehicular traffic. Of course, the inclusion of specifications concerning the protection measures the contractor must follow during construction activities in the contract or permit would further enhance the contractor's awareness of such stipulations. When avoidance and fencing is impossible, such as for a roadway, or installation construction in an area with a large archeological site or where the resource is positioned in the interior of the proposed construction area, another form of physical protection may be used. In these cases, it is sometimes possible to seal the resource with sterile soil (that is, soil that contains no historic or prehistoric archeological remains). Although this method removes the archeological property from immediate access by deeply burying it beneath soil, the remains are sealed, and the site is preserved.
- **Monitoring**—Archeological historic properties that have been avoided or physically protected need periodic monitoring to assess the effectiveness of the protection measures. If it is determined during construction that avoidance is impossible or that the physical barriers placed around the archeological historic property are insufficient, other protective means may be necessary. In extreme cases, monitoring may determine that protection is impossible, and mitigation is required. Monitoring of construction is also necessary if the construction is being done in an area known or suspected to contain important historic or prehistoric archeological site information that may be buried beneath more recent sediments (i.e., landscaping or alluvial overbank deposits). Monitoring also may be required during construction in an area where the loss of a portion of an archeological historic property has been mitigated through data recovery, but the remainder of the property is intact. Monitoring is necessary to ensure that vehicular traffic and construction activities remain within the mitigated area.
- **Protection of a Valid Sample**—Within a defined area, several occupation episodes and site types may be represented, both for the historic and prehistoric periods. In addition, there also may be several archeological historic properties for each represented occupation. Each property should be evaluated for the possibility of intact deposits and for its chronological, functional, and cultural importance in relation to what is already known for the region. Representative historic properties should be avoided during project planning or physically protected and regularly monitored during construction episodes. A periodic reevaluation of the relative importance of all the sample historic properties should be conducted regularly as new information is gathered.

The standard mitigation treatment for archeological historic properties (NRHP-listed or NRHP-eligible) is data recovery of the historic property, generally in the form of archeological excavation and/or documentation.

- **Data Recovery (Excavation)**—mitigation of an archeological historic property or portions of an archeological property will be undertaken when the resource cannot be avoided or physically protected and will be destroyed through construction or other activities. Data recovery in the form of excavation and documentation must meet certain Federal standards as outlined in the Secretary's

Standards and Guidelines: Archeology and Historic Preservation [48 FR 44716-44740] and in the proposed guidelines of the Department of the Interior, National Park Service, entitled *Recovery of Scientific, Prehistoric, Historic, and Archeological Data: Methods, Standards, and Reporting Requirements* (1977; 36 CFR Part 66).

- * First, each excavation will be conducted by a professional archeologist who meets the minimum qualifications of degree programs (as set forth in 36 CFR Part 61 and AR 420-40) and experience in the region.
- * Second, each excavation must have a site-specific mitigation plan. This plan will state the importance of the archeological property not only to the researcher but in relation to the regional pattern of occupation of which the resource is a part. The plan also will contain a set of research questions to be considered. Furthermore, the data recovery should be executed with the appropriate research and recovery techniques to recover a wide range of data, not just that which would answer certain research questions.
- * Third, a data recovery program will schedule an adequate number of qualified personnel to undertake the site excavation and to provide research questions and new ideas to the program.
- * Fourth, proper excavation and documentation techniques will be used not only to assure that a wide range of data will be recovered, but that all documentation and recovered materials are recorded in a standardized way so that future researchers may be able to understand and employ the data to answer new questions. Preservation and curation of recovered materials and pertinent documents fall under this category as well, as it is the responsibility of the researchers to disseminate the recovered information to other interested parties in the form of published reports and scientific papers.
- * Fifth, the data recovery program will be flexible in design to cope with unforeseen discoveries and problems.

c. Cemeteries

The documented cemeteries within SFAAP were moved during construction of the plant. It is likely, however, that unmarked family plots or unmarked isolated burials still remain within the facility. In the event that human remains are encountered during construction or archeological investigations, work should be stopped in the vicinity of the find and the supervisor should immediately inform the HPC. Although cemeteries represent a special class of sites, as repositories of human remains, they should be avoided, protected, and evaluated as per National Park Service Bulletin 41, *Guidelines for Evaluating and Registering Cemeteries and Burial Places*. It should be assumed that unmarked graves are of Native American affiliation, in which case NAGPRA must be applied.

C. Other Requirements

1. Excessing Lands

Real property for which there is no foreseeable requirement shall be excessed in accordance with AR 405-90, *Real Estate—Disposal of Real Estate*. As per Technical Note (TN) 405-80-2(3-1)(b), all actions for disposal of real property will comply with environmental, historical, and cultural protection requirements as stated in AR 200-1, AR 200-2, and AR 420-40. The Army will not approve any action that may have an adverse effect on a NRHP-eligible or NRHP-listed property, including any action to transfer, sell, demolish, or substantially alter such a property, until the ACHP has been provided an opportunity to comment on the proposal. Under AR 405-90 4-3(b), the Army will perform protection and maintenance to prevent vandalism and development of unsafe conditions, to maintain property values, and to promote good public relations.

The procedures set forth in the General Services Administration (GSA) guidelines and the Federal Property Management Regulations (FPMR) govern all real property transactions. Compliance with Section 106 of the NHPA is required in addition to compliance with the FPMR and GSA guidelines. In the event that lands are transferred to another Federal agency, responsibilities for compliance with NHPA regulations are transferred to the receiving agency, and thus Section 106 review will not be required. Similarly, transfer of lands to a State agency will also be exempted from Section 106 review because the property will then be under the purview of the SHPO.

If, however, lands are excessed to a nonfederal agency, this action removes the lands from the control and responsibility of the Federal land manager. In this case,

- Sections 106 and 110(e) of the NHPA, as amended through 1992, require the review by the Secretary of such undertakings.
- If historic properties are present, the consulting parties of the Section 106 review process may require the development of an MOA to mitigate the effects of the undertaking. Mitigation may include documentation of the resource and/or the inclusion of protective covenants in the conveyance document.
- If such an agreement is reached, appropriate documentation will be provided to the ACHP.
- If an MOA is not developed, or agreed upon, between consulting parties (that is, SFAAP, the Army, the SHPO, the ACHP, the proposed recipient of the property, and other interested parties), the Federal agency will follow the procedures established in accordance with 36 CFR 800.6. The Secretary and SHPO are still required under Section 110(e) to review the transferee's plans.
- Under these regulations, the Secretary may determine that the Federal agency may not excess such lands unless the deed specifies that the new owner will protect and preserve the NRHP-eligible property as deemed appropriate to its historic character.

2. Annual Report

At the completion of every fiscal year, it is recommended that an annual progress report be prepared by the HPC for transmittal to the consulting parties of the PA implementing the CRMP and to the Army Compliance Tracking System (ACTS). At a minimum, a statement on the status of historic properties, any cultural resources investigations, etc., should be included in any yearly report that is promulgated for distribution.

This report should detail all facility activities carried out during the previous year that would have had a potentially adverse impact on any historic properties, and discuss the steps taken to ensure that no significant resources were so affected. These annual reports will also include progress toward treatment and planning goals as well as use by SFAAP.

3. Curation of SFAAP Records, Drawings, Photographs, and Other Materials

As required by the Federal Records Act [44 U.S.C. Sections 21-35] and 36 CFR 1228, the DA is required to establish and maintain programs to manage, preserve, and maintain permanent records and to properly dispose of those records scheduled as temporary. Likewise, the National Archives and Records Administration (NARA [36 CFR Part 1228]) requires Federal agencies to establish records disposition programs to ensure efficient reductions in the quantity of records and to provide for records maintenance.

AMC facilities, including SFAAP, have accumulated a body of records that documents each plant history, architecture, engineering, and operational development. Examples of the facility records to be considered for curation include basic information maps; tabulation of existing facilities; land-use plans; documents on

the planning construction and design of specific projects or properties; design specifications and agenda; original tracings; "as built" drawings; shop drawings; progress photographs; film; negatives; regional maps; reservation maps; post layouts; architectural, mechanical, and structural building plans; files that describe building and equipment function; and utility plans. These records are irreplaceable records and require a commitment for appropriate long-term curation lest they become irretrievably lost. It is recommended that the HPC review the installation records and make a determination as to which records relevant to the Inactivation PA should be removed for safe-keeping.

The Deputy Chief of Staff for Information Management, Headquarters AMC, is responsible for the proper disposition of official records, forms, publications, and materials of kind upon notification of a base closure, realignment, or discontinuance of an activity or function. Records administrators and managers are required to supervise the transfer/disposition of records, forms, and the materials. Records management officials should be included in the process transition planning and should be retained until final disposition of all records is accomplished. Those records should be transferred to a records holding area for retention and eventual disposition under Records Number 335. Eventually, records should be transferred to the gaining organization, or its higher headquarters. According to AR 25-400-2, the records should be identified, maintained, stored, retired, or destroyed according to the Modern Army Record Keeping System (MARKS), if SFAAP complies with MARKS. If a records holding area is not available or is being discontinued, transfer of records should be made to the appropriate Federal records center.

4. Granting Archeological Investigation Permits

Procedures for granting archeological investigation permits are covered in detail in ARPA of 1979 [P.L. 96-95] and its implementing regulations. This act established definitions, standards, and procedures to be used by all Federal land managers in providing protection for archeological resources. Regulations allow the ARPA review to be accomplished as part of the contracting process as long as the standards established in the ARPA regulations are followed.

A separate permit is not required for a government contractor carrying out the installation's archeological resource management responsibilities under a contract or similar instrument. An ARPA permit is, however, required for any other type of work—such as research excavations—on the installation. In such cases, the installation will coordinate with the U.S. Army CE District Planning and Real Estate divisions to grant an ARPA permit.

- The Federal land manager, in considering whether to grant a permit, takes into account whether the archeological investigation will conflict with established policy or management plans and if it is in accordance with the other public uses of the land in question.
- If the project may result in harm to or destruction of any Native American tribal, religious, or cultural properties, the Federal land manager must notify any Native American tribe which may consider the site as having religious or cultural importance.
- Once it is determined that the proposed archeological investigation will not conflict with existing land management priorities, the qualifications of the individual or institution need to be considered.
 - * Individual qualifications include a graduate degree in archeology or anthropology or equivalent experience, the demonstrated ability to carry out the work in question as well as to carry the research to completion, at least 16 months of specialized training or professional experience, and at least one year of historical archeology experience in order to conduct historic investigations.
- The institution must show evidence of access to an adequate curatorial facility and certify that all required materials will be delivered no later than 90 days after the final report is submitted to the Federal land manager.

After the permit is granted, the Federal land manager may suspend or revoke it if the individual or institution has failed to meet the terms and conditions of the permit or violated ARPA. The individual or institution may appeal this decision. Grounds for evaluating any possible penalties are set forth in ARPA.

5. Compliance with Native American Graves Protection and Repatriation Act

The NAGPRA of 1990 [P.L. 101-601] applies to federally recognized Native American tribal groups and has two main requirements. Federal agencies are required:

- to locate and inventory human remains and associated artifacts in existing collections previously collected by Federal projects on Federal lands; and
- to provide a summary of unassociated funerary objects, sacred objects, and objects of cultural patrimony located on Federal and tribal lands.

Following the final NAGPRA regulations printed in the *Federal Register* [43 CFR Part 10, 3 January 1996], the intentional excavation of human remains or cultural items may proceed at the facility only if:

- proof of consultation or consent with the appropriate federally recognized Indian Tribe(s) is obtained through letters or documentation;
- the disposition of the objects is consistent with their ownership (the individual or Indian Tribe that has the closest lineal or cultural affiliation); and
- the objects are excavated in accordance with applicable legal requirements, including, when required, a permit issued pursuant to ARPA.

The applicable legal requirements are best represented by the ARPA permit requirements that include:

- the identification of the type of permit requested (survey, limited testing, or data recovery excavations);
- a description of specific lands the permit will cover including a map of those areas in which the work will be conducted;
- a description of the nature and extent of the work proposed and the purpose of the project for which the work is being completed;
- the name(s) and address(es) of the institution(s) conducting the work and the name(s) of the individual(s) responsible for conducting the work;
- the name(s) of the individual(s) responsible for carrying out the terms and conditions of the permit;
- the dates of the work to be completed and period of performance;
- the name of the curational facility and copy of curation agreement by the repository where the material will be stored (if the Indian owners do not wish to assume custody);
- the proposed outlet for public written dissemination of the work results; and
- evidence of the applicant's capacity to initiate, conduct, and complete the proposed work including evidence of logistical support and laboratory facilities.

NAGPRA requires Federal agencies to engage in active consultation with Native Americans of federally recognized tribes and/or lineal descendants who may be culturally affiliated with collections gathered through archeological investigations within the facility. Initial consultation should be conducted on a government-to-government basis. NAGPRA [P.L. 101-601] provides specifics that are required for Native American consultation and the legal definitions of items subject to NAGPRA. It is in the interest of the facility and the DA to establish a PA or an MOU with the appropriate Native American tribe(s) to set forth procedures for the excavation, treatment, and disposition of human remains or cultural items that may be encountered on the facility. Such agreements may be developed to outline procedures for both intentional excavations and inadvertent discoveries. These agreements should address all of the facility land

management activities that could result in the excavation of human remains or cultural items. Consultation with the tribes should lead to:

- the establishment of a process for effectively implementing the requirements of NAGPRA; and
- the treatment and disposition of human remains or cultural items that have been recovered.

Inadvertent discovery of Native American burials or other cultural items on SFAAP not anticipated shall require the project or mission to:

- cease activities in the area of discovery, make an effort to protect the resources, provide notification to the HPC, who will inform the Federal land manager; and
- provide notification of the discovery to the appropriate federally recognized Native American group or tribal group with possible affinity to the discovery.

Activities are prevented from continuing in the area of discovery for 30 days after the appropriate tribal group has been officially notified. If avoidance is impossible, then the removal of such remains and/or cultural items is only permissible if:

- the HPC obtains an ARPA permit;
- consent of the appropriate tribal group is received;
- ownership and right of control of such items is not in dispute; and
- proof of consultation and notification is documented by written correspondence with the appropriate tribes.

As part of obtaining the ARPA permit, the HPC should solicit comments from interested parties and the appropriate Native Americans to develop an MOU concerning the notification and data recovery procedures, and policies for the disposition and treatment of artifacts and human remains. If established prior to the discovery of the remains, the MOU may serve to eliminate the costly 30-day delay created under normal NAGPRA procedures.

Any planned excavations under Section 106 requirements of the NHPA must also meet the requirements of the NAGPRA legislation regarding the treatment and disposition of Native American human remains and other cultural items discovered during the conduct of planned mitigation measures.

Presently, no known NAGPRA-related human remains or funerary objects have been identified in collections made from facility lands. Although the aboriginal tribes in the area are uncertain, and no installation land has been adjudicated to any particular Native American group, at least 16 tribes—most of whom did not remain in the area for any length of time—are known to have been in the vicinity of the facility subsequent to 1638. These tribes include: the Delaware, Iowa, Kansa (Kaw), Kickapoo, Omaha, Osage, Otoe-Missouria, Miami, Pawnee, Piankashaw, Ponca, Potawatomi, Sac (Sauk) and Fox (Meskwaki), Shawnee, Wea, and Wyandot. The descendants of these groups are represented by federally recognized Indian tribes, with whom consultation must be undertaken for the appropriate disposition of any excavated Native American human remains or cultural items.

